

AMENDED IN ASSEMBLY AUGUST 10, 1998

AMENDED IN ASSEMBLY JULY 7, 1998

AMENDED IN ASSEMBLY JUNE 4, 1998

AMENDED IN SENATE JANUARY 28, 1998

AMENDED IN SENATE JANUARY 26, 1998

AMENDED IN SENATE MARCH 11, 1997

AMENDED IN SENATE FEBRUARY 25, 1997

SENATE BILL

No. 12

**Introduced by ~~Senator O'Connell~~ Senators O'Connell and
Peace and Assembly Member Davis**

(Principal coauthor: Senator Schiff)

**(Coauthors: Senators Alpert, Karnette, Thompson, and
Vasconcellos)**

(Coauthors: Assembly Members Wayne, Alquist, Baca,
Bordonaro, Brewer, Brown, Bustamante, Campbell,
Cardoza, Cunneen, Ducheny, Frusetta, Havice, Honda,
Keeley, Knox, Kuykendall, Machado, Margett, Mazzoni,
Migden, Morrissey, Napolitano, Ortiz, Pacheco, Prenter,
Pringle, Richter, Scott, Strom-Martin, Sweeney, Takasugi,
Villaraigosa, Vincent, and Wildman)

(~~Coauthor: Assembly Member Wayne~~)

December 2, 1996

An act to amend Sections 52084 and 52086 of, to add Section
45023.4 to, and to repeal Section 52090 of 52081, 52082, 52084,
and 52086 of, and to amend the heading of Chapter 6.8

(commencing with Section 52080) of Part 28 of, the Education Code, relating to ~~schools~~ class size reduction, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, O'Connell. Class size reduction: ~~certificated employee salaries.~~

~~Under existing law, the governing board of each school district is generally required to establish the compensation paid to persons in public school service that require certification.~~

~~This bill would authorize the governing board of a school district, the county superintendent of schools, or the county boards of education, in the 1998-99 and 1999-2000 fiscal years, to increase the lowest salary on the salary schedule for a certificated employee that meets certain requirements by designating as the lowest salary on the salary schedule an amount not to exceed \$32,500 in the 1998-99 fiscal year and \$35,000 in the 1999-2000 fiscal year. This bill would provide for reimbursement for the cost of the increase.~~

Existing law, the Morgan-Hart Class Size Reduction Act of 1989, establishes the Program to Reduce Class Size in Grades 9 to 12, inclusive, requires the program to include only one grade level in the first fiscal year of implementation, and authorizes other grade levels to be phased in subsequent years. Existing law requires all courses that count toward completion of the graduation requirements and that are taught in any of the English, mathematics, social studies, or science departments in the grade level or levels that are included in the program to average no more than 20 pupils per certificated teacher, per class in the subject selected for state reimbursement. Existing law authorizes a school district to achieve that average with a 50% improvement toward that goal for the first fiscal year of funding for which a subject is chosen in a particular grade level. ~~Existing law requires the Superintendent of Public Instruction to apportion available funds on a pro rata basis by applying a deficit factor to the apportionment calculated for each applicant district if the funds appropriated by the Budget Act for the purposes of~~



~~funding the Program to Reduce Class Size in Grades 9 to 12, inclusive, are insufficient to fully fund the program in any fiscal year.~~

~~This bill would authorize more than one grade level to be included in the program in the first fiscal year of implementation and would limit the program to courses that establish a Program to Reduce Class Size in Two Courses in Grade 9. The bill would require certification that the course or the 2 courses in grade 9 included in the program count toward the completion of the graduation requirements and that are taught in the English and mathematics departments in English, mathematics, science, or social studies, provided that one of the courses is English. The bill would require certification of pupil enrollment in each grade 9 class included in the program, as determined pursuant to regulations. The bill would require any program that includes courses other than English and mathematics classes in grade 10, 11, or 12 and that was funded before December 31, 1997-June 30, 1998, to continue to be funded for those other courses-classes, as specified, unless the school district elects to eliminate that program. The bill would eliminate the option of achieving an average of no more than 20 pupils per certificated teacher, per class in the subject selected for state reimbursement with a 50% improvement toward that goal for the first fiscal year of funding for which a subject is chosen in a particular grade level. The bill would repeal the provision that requires the Superintendent of Public Instruction to apportion available funds on a pro rata basis if the funds appropriated are insufficient to fully fund the program in any fiscal year. The bill would require the Superintendent of Public Instruction to recommend, and the State Board of Education to adopt, regulations to implement this program by October 17, 1998. The bill would require the Controller to include instructions appropriate to the enforcement of these provisions in the audit guide. The bill would reduce from \$250 to \$160-\$135 the amount to be apportioned per unit of full-time equivalent enrollment in classes whose size is reduced to an average of 20 pupils and no more than 22 pupils in each participating class at each participating school.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 45023.4 is added to the~~
2 ~~Education Code, to read:~~
3 ~~45023.4. (a) The governing board of a school district,~~
4 ~~the county superintendent of schools, or the county board~~
5 ~~of education, in the 1998-99 and 1999-2000 fiscal years,~~
6 ~~may increase, for teachers meeting the requirements~~
7 ~~prescribed by this section, the salary on its adopted~~
8 ~~certificated employee salary schedule for the applicable~~
9 ~~fiscal year as provided in subdivision (b). For purposes of~~
10 ~~this section, any teacher for whom the governing board,~~
11 ~~county superintendent of schools, or county board of~~
12 ~~education may increase salaries shall meet all of the~~
13 ~~following criteria:~~
14 ~~(1) Hold a valid California teaching credential, not~~
15 ~~including an emergency permit, intern permit, or waiver.~~
16 ~~(2) Possess a baccalaureate or higher degree.~~
17 ~~(3) Receive a salary paid from the general fund of the~~
18 ~~district or county office.~~
19 ~~(b) The governing board, county superintendent of~~
20 ~~schools, or county board of education shall perform the~~
21 ~~following computations:~~
22 ~~(1) The governing board, county superintendent of~~
23 ~~schools, or county board of education shall designate as~~
24 ~~the lowest salary on the salary schedule for a certificated~~
25 ~~employee meeting the criteria in subdivision (a) an~~
26 ~~amount not to exceed an annual salary of thirty-two~~
27 ~~thousand five hundred dollars (\$32,500) in the 1998-99~~
28 ~~fiscal year. This amount shall be increased to an annual~~
29 ~~salary of thirty-five thousand dollars (\$35,000) for the~~
30 ~~1999-2000 fiscal year.~~
31 ~~(2) The governing board, county superintendent of~~
32 ~~schools, or county board of education shall increase to the~~
33 ~~annual salary amount in paragraph (1) the salary of any~~

~~certificated employee meeting the criteria in subdivision (a) whose salary on the salary schedule for the applicable fiscal year is less than the amount computed in paragraph (1) and, notwithstanding Section 45028, shall incorporate that increase into the salary schedule.~~

~~(3) The newly adopted salary schedule shall contain only one cell that meets the amount specified in paragraph (1), which most often is the first-year step of a salary schedule column for certificated personnel who meet the criteria set forth in subdivision (a). All other salary schedule cells must exceed the level of paragraph (1) for personnel that meet the criteria in subdivision (a).~~

~~(c) Each school district or county office of education that increases salaries pursuant to subdivision (b) shall receive reimbursement for the cost of the increase as follows:~~

~~(1) Total the salaries of all certificated employees receiving increased salaries pursuant to subdivision (b).~~

~~(2) Total all salaries, based on the salary schedule for the applicable fiscal year before the increase made pursuant to subdivision (b), of all certificated employees receiving increased salaries pursuant to subdivision (b).~~

~~(3) Subtract the amount in paragraph (2) from the amount in paragraph (1).~~

~~(4) Multiply the amount in paragraph (3) by the district's State Teachers' Retirement System contribution rate.~~

~~(5) In the applicable fiscal year, the revenue limit of the district calculated pursuant to Section 42238 or of the county office of education calculated pursuant to Section 2550 may be increased by an amount equal to the sum of the amounts in paragraphs (3) and (4).~~

~~(6) For the 1998-99 and 1999-2000 fiscal years, any school district or county office of education that received reimbursement pursuant to this subdivision in the prior fiscal year shall divide the amount added to the revenue limit pursuant to paragraph (5) by the regular average daily attendance for the prior fiscal year, and shall add that quotient to the base revenue limit per unit of average daily attendance for the applicable fiscal year.~~

~~(d) A school district or county office of education shall receive reimbursement pursuant to subdivision (c) only for the amount computed pursuant to this section for those salaries that are increased to meet the amount specified in paragraph (1) of subdivision (b). However, this section does not prohibit a school district and its employees from negotiating salary schedules.~~

~~(e) The adjustment to the district's revenue limit prescribed in paragraph (6) of subdivision (c) shall continue so long as the increase in the salary schedule made pursuant to paragraph (2) of subdivision (b) is maintained.~~

~~SEC. 2.—~~

SECTION 1. The heading of Chapter 6.8 (commencing with Section 52080) of Part 28 of the Education Code is amended to read:

CHAPTER 6.8. PROGRAM TO REDUCE CLASS SIZE IN GRADES 9 TO 12, INCLUSIVE
TWO COURSES IN GRADE 9

SEC. 2. Section 52081 of the Education Code is amended to read:

52081. The following entities shall not be eligible to participate in the Program to Reduce Class Size in *Two Courses in Grades Grade 9 to 12, Inclusive*:

(a) County boards of education.

(b) County superintendents of schools.

SEC. 3. Section 52082 of the Education Code is amended to read:

52082. Except as otherwise provided by subdivisions (a) and (b) of Section 52081, any school district that maintains ~~any of grades grade 9 to 12, inclusive~~, may apply to the Superintendent of Public Instruction for an apportionment to implement a Program to Reduce Class Size in *Two Courses in Grades Grade 9 to 12, Inclusive*.

SEC. 4. Section 52084 of the Education Code is amended to read:

52084. A school district's application to implement a program pursuant to this chapter shall comprise the following:

~~(a) Certification of the grade level or grade levels to be included in the program. Once a grade level is included in the program, that grade level shall continue to be included in the program in subsequent fiscal years for which an apportionment is sought.~~

~~(b) Certification that all courses that count toward completion of the graduation requirements established in Section 51225.3 and that are taught in the English or mathematics department in the grade level or levels designated pursuant to subdivision (a) shall on the average be no more than 20 pupils, per certificated teacher, per class in the subject selected for state reimbursement. Once a department has been designated pursuant to this subdivision, it shall remain in the program as the other department is added in subsequent fiscal years.~~

~~(c) Certification of pupil enrollment as of October of the prior fiscal year in each grade level designated pursuant to subdivision (a). For purposes of this subdivision, the enrollment figure shall equal total enrollment minus the sum of the following:~~

~~(a) Certification that the grade 9 course or the two grade 9 courses included in the program count toward completion of the graduation requirements established in subparagraphs (A), (B), (C), or (D) of paragraph (1) of subdivision (a) of Section 51225.3; provided, however, that one of the courses included in the program shall be English.~~

~~(b) Certification of the number of grade 9 classes included in the program in the courses designated pursuant to subdivision (a).~~

~~(c) Certification that the classes identified pursuant to subdivision (b) in each participating school shall on the average have no more than 20 pupils per certificated teacher and no more than 22 pupils in any participating class.~~

~~(d) Certification of pupil enrollment in each class designated pursuant to subdivision (b), as determined pursuant to regulations authorized pursuant to~~

1 *subdivision (h). For purposes of this subdivision, the*
2 *enrollment figure shall exclude both of the following:*

3 (1) The number of special education pupils enrolled in
4 special day classes on a full-time basis.

5 (2) The number of pupils enrolled in necessary small
6 schools that receive funding pursuant to Article 4
7 (commencing with Section 42280) of Chapter 7 of Part 24.

8 ~~(d) If, in any subsequent fiscal year for which an~~
9 ~~apportionment is sought, the district certifies that the~~
10 ~~program in a particular grade level designated pursuant~~
11 ~~to subdivision (a) will be expanded to include courses~~
12 ~~required for graduation taught in the department not~~
13 ~~previously designated pursuant to subdivision (b), the~~
14 ~~enrollment figure obtained pursuant to subdivision (c)~~
15 ~~for that grade level shall be increased proportionately for~~
16 ~~that fiscal year and each fiscal year thereafter for which~~
17 ~~an apportionment is sought.~~

18 ~~(e) A district shall also certify, as a condition for the~~
19 ~~continued receipt of state apportionments pursuant to~~
20 ~~Section 52086, that the district has maintained all class size~~
21 ~~reductions accomplished through previous~~
22 ~~apportionments under this chapter. The district's~~

23 ~~(e) The district's~~ certification shall include a
24 statement that implementation of a class size reduction
25 program pursuant to this chapter has not adversely
26 affected existing class size in courses not referenced in
27 this chapter.

28 (f) While it is the intent of the Legislature that this
29 program not increase the need for additional classroom
30 facilities, a school district may utilize any funds
31 apportioned pursuant to Section 52086 for the purpose of
32 leasing additional classroom space in order to reduce
33 overcrowded classroom conditions and to reduce
34 pupil-to-teacher ratios.

35 (g) Any program that includes ~~courses other than~~
36 ~~English and mathematics classes in grade 10, 11, or 12 and~~
37 ~~that was funded before December 31, 1997 June 30, 1998,~~
38 ~~shall continue to be funded for those other courses.~~

39 ~~SEC. 3.—~~*classes unless the school district elects to*
40 *eliminate that program. A school district that elects to*

1 *continue to operate a class size reduction program in*
2 *grades 10 to 12, inclusive, shall be eligible to receive one*
3 *hundred thirty-five dollars (\$135) per pupil certified*
4 *pursuant to this chapter as it read on July 1, 1998, except*
5 *that total funding shall not exceed the amount received*
6 *by the school district for the program for grades 10 to 12,*
7 *inclusive, in the 1997–98 fiscal year.*

8 *(h) The Superintendent of Public Instruction shall*
9 *recommend, and the State Board of Education shall*
10 *adopt, regulations for the implementation of this chapter*
11 *no later than October 17, 1998.*

12 *(i) The Controller shall include instructions*
13 *appropriate to the enforcement of the provisions of this*
14 *chapter in the audit guide required by subdivision (a) of*
15 *Section 14502.*

16 *SEC. 5. Section 52086 of the Education Code is*
17 *amended to read:*

18 *52086. (a) The Superintendent of Public Instruction*
19 *shall apportion to each applicant district an amount equal*
20 *to one hundred ~~sixty dollars (\$160) per unit of thirty-five~~*
21 *dollars (\$135) per unit of full-year equivalent enrollment*
22 *reported pursuant to subdivision ~~(e) or~~ (d) of Section*
23 *52084 if the district certifies an average class size of 20*
24 *pupils and no more than 22 pupils in each participating*
25 *class at each participating school.*

26 *(b) Funds apportioned pursuant to this section shall*
27 *not become part of a district's revenue limit, and shall be*
28 *identified as a separate item of expenditure on any*
29 *financial reports filed by school districts with the state*
30 *pursuant to statute or regulation.*

31 ~~*SEC. 4. Section 52090 of the Education Code is*~~
32 ~~*repealed.*~~

33 *SEC. 6. This act is an urgency statute necessary for the*
34 *immediate preservation of the public peace, health, or*
35 *safety within the meaning of Article IV of the*
36 *Constitution and shall go into immediate effect. The facts*
37 *constituting the necessity are:*

38 *To extend class size reduction to grade 9 for the 1998–99*
39 *school year, it is necessary that this act take effect*
40 *immediately.*

1		_____
2	CORRECTIONS	
3	Heading — Line 7.	
4		_____
5		

O

